

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

JESSICA TENNEY,

Plaintiff,

v.

RADIUS GLOBAL SOLUTIONS,

Defendant.

**Civil Action No.: 2:19-CV-46
(JUDGE KLEEHE)**

**ORDER AUTHORIZING DEPOSITIONS TO TAKE PLACE VIA VIDEO OR AUDIO
AND DENYING PLAINTIFF’S MOTION TO COMPEL (ECF No. 15) AS MOOT**

This matter is before the undersigned pursuant to a referral order (ECF No. 16) entered by Honorable United States District Judge Thomas S. Kleeh on May 5, 2020, referring Plaintiff’s Motion to Compel *Proper Discovery Responses from Defendant* (ECF No. 15) to the undersigned for a hearing and disposition. The undersigned held status conferences in this matter on May 12, 2020 (ECF No. 19); May 26, 2020 (ECF No. 22); June 16, 2020 (ECF No. 30); and June 17, 2020 (ECF No. 32). These status conferences allowed the parties to continue to confer in good faith and attempt to resolve the issues raised by Plaintiff’s Motion to Compel (ECF No. 15).

At the status conference held before the undersigned on June 17, 2020 (ECF No. 32), an issue was raised with regard to the procedure for depositions originally scheduled to take place in this matter on Friday, June 19, 2020, and agreed by the parties to be rescheduled for Wednesday, June 24, 2020. The parties raised an issue as to whether or not, under the current circumstances of the ongoing COVID-19 (coronavirus) pandemic, the deponent could be sworn in via video or audio and in a separate location from the court reporter.

The Judicial Conference of the United States (“JCUS”) has found, pursuant to the CARES Act, H.R. 748 (“CARES Act”), that emergency conditions due to the national emergency declared

by President Donald J. Trump materially affect the functioning of the Federal Judiciary generally. Further, Chief Judge Groh, through a Standing Order, entered at 3:20-MC-28, recognized that emergency conditions exist in the Northern District of West Virginia as found by the JCUS under the CARES Act.

Accordingly, upon confirmation with United States District Judge Thomas S. Kleeh, and there being no objection by the parties, the depositions in this matter shall be permitted to proceed via video and the Court Reporter shall be permitted to administer an oath to the deponent remotely, via video or audio, and such oath will have the same full force and effect as if administered in person.

Further, regarding Plaintiff's Motion to Compel (ECF No. 15), the undersigned **DIRECTED** the Defendant on the record at the Status Conference held on June 17, 2020, to produce records to the Plaintiff that document and verify the training and dates of training received by Defendant's relevant employees involved with making phone calls to the Plaintiff that is the subject of this dispute. The Defendant was **DIRECTED** on the record to provide such records to the Plaintiff **by Friday, June 19, 2020**. All other issues raised in Plaintiff's Motion to Compel (ECF No. 15) having been resolved by agreement on the record or supplemental production as represented by the parties on the record at the Status Conference held on June 17, 2020, Plaintiff's Motion to Compel (ECF No. 15) is accordingly **DENIED AS MOOT**.

IT IS SO ORDERED.

The Clerk of Court is directed to provide a copy of this Order to all counsel of record as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: June 19, 2020



MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE